[9th August 1955

MR. SPEAKER :—" The question is—

' That the following draft of a rule proposed to be made by the Government of Madras under section 4 (2) of the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952 (Madras Act XVI of 1952), amending the Schedule to the said Act, be approved :—

DRAFT RULE.

In the said schedule, after sub-rule (3) of rule 1, the following sub-rule shall be added, namely :—

" (4) (*a*) The amount of the composition fee calculated with reference to clause (*b*) of sub-rule (1) shall, with effect from the 1st April 1955, be reduced by one-half in the case of a public carrier vehicle registered and normally kept in the State of Andhra and operating partly in the State of Madras.

(*b*) One-half of the amount of the composition fee calculated with reference to clause (*b*) of sub-rule (1) shall, with effect from the 1st April 1955, be liable to be refunded in the case of a public carrier vehicle registered and normally kept in the State of Madras and operating partly in the State of Andhra *if* the composition fee calculated as aforesaid is paid in full in this State in the first instance and a claim is made for refund of one-half of such fee by producing proof that the vehicle has actually plied in the State of Andhra and the fee due to that State for the corresponding period in respect of the vehicle has been paid. " ' "

The motion was put and carried.

V.—GOVERNMENT BILLS.

(1) THE MADRAS CITY TENANTS' PROTECTION (AMENDMENT) BILL, 1955.

9-40 a.m.

* THE HON. SRI M. A. MANICKAVELU :—" Sir, I beg to introduce the Madras City Tenants' Protection (Amendment) Bill[a], 1955, and move—

' *That the Bill be taken into consideration at once.*'

" Sir, the object of the Bill is a very simple one. An Ordinance was already issued in June and it has to be made into an Act now. There is a legislation called the Madras City Tenants' Protection Act passed in 1922 to protect the tenants within the limits of the City who were unjustly evicted. Now recently it has been brought to the notice of the Government that in big cities like Madurai and Tiruchirappalli evictions are taking place causing much disturbance and hardship to the tenants who have been living there for a long time. So, it was thought that the City Tenants' Protection Act should be extended to such cities where it is necessary. It is only with that object that this Bill is now being introduced. I hope the House will pass this Motion."

a Published in the *Fort St. George Gazette*, dated 2nd August 1955.

9th August 1955]

MR. SPEAKER :—" Motion moved—

'That the Madras City Tenants' Protection (Amendment) Bill, 1955, be taken into consideration at once.' "

SRI M. KALYANASUNDARAM :—" Sir, I move—

'*That the Bill be referred to a Select Committee.*'

" Sir I have already given notice of an amendment, and I have moved it now."

* SRI K. VINAYAKAM :—" Sir, the first amendment that the Bill be referred to a Select Committee stands in my name and therefore in the order of priority, my name should come first."

MR. SPEAKER :—" Sri Kalyanasundaram's name comes first in the list of those who have given notice of amendments and that is why I called his name. The hon. Member (Sri Vinayakam) may now second it."

* SRI K. VINAYAKAM :—" I second the amendment, Sir."

MR. SPEAKER :—" Amendment moved—

'That the Bill be referred to a Select Committee.'

" The motion as well as the amendment are before the House for consideration."

* SRI K. VINAYAKAM :—" Sir, my object . . ."

* THE HON. SRI M. A. MANICKAVELU :—" Sir, may I be permitted to intervene? I may inform the House that I propose to accept the amendment to refer the Bill to a Select Committee. I shall give the list of names of Select Committee members shortly."

* SRI K. VINAYAKAM :—" Sir, I am not so much interested in making a speech as I am interested in elucidating one point in this connection. And that point has got to be considered by the Select Committee. I am doing this as I am not sure whether I will also be in the Select Committee or not."

MR. SPEAKER :—" Let the hon. Member make his speech."

* SRI K. VINAYAKAM :—" Sir, this Act came into operation during 1922 and it provides protection for those tenants who took lease of lands from owners, who have invested money and constructed houses and who should not be ousted unjustly. There are provisions safeguarding the tenants so long as they pay the rent and so long as they satisfy all the conditions of the agreement. Thus this Act helps all those tenants who have entered into agreement with the landlords *before* 1922. But it does not afford the same protection to tenants who have taken lands on lease *after* 1922.

" Sir, the object of this Bill is to protect the tenants who have entered into agreements before 1922. After that the City of

Madras has developed all around; now the old city limit has been extended under the Act of 1946, I believe, and the extension has gone beyond Guindy, Kodambakkam, Ayyanavaram and other places. Before 1946, the city was a limited one and all the available place was very small. Therefore the number of tenants were also limited and very few. With the extension of the city limits, poor people who could not purchase lands have taken large stretches of lands owned by big landlords on lease and have invested plenty of their fortunes and constructed houses there.

"For instance, in Kodambakkam large areas are owned by the devasthanams of the temples and these lands are now used for house construction by a large number of tenants who have taken them on a monthly rent of Rs. 2 or Rs. 3. But the devasthanam authorities or the executive officers have leased the lands for only a limited period of five years and so the tenants will be faced with the possibility of eviction after five years. These are the handicaps under which those tenants are suffering; they are at great disadvantage. My intention in seconding that this Bill should be referred to a Select Committee is to seek protection to such of those tenants who have entered into tenancy agreements after 1922 also.

(The Deputy Speaker in the Chair.)

"If we are going to extend the provisions of this legislation to municipal towns like Madurai and Tiruchirappalli why not the same protection be extended to the tenants living in the extended areas of the Madras City who have entered into agreements after the original Act came into force, as they also have got to be protected? When we are doing something good to the tenants in municipal towns, why not the Government be pleased to help the tenants living in the outskirts of Madras City? This particular aspect has got to be considered in the Select Committee and that is the reason why I want this Bill to be referred to a Select Committee."

SRI K. P. GOPALAN :—"Mr. Deputy Speaker, Sir, I am very glad that the Government have agreed to send this Bill to a Select Committee. Sir, I wish to offer some remarks on the objects of the Bill.

"This Bill is a welcome one. As always, the policy of the Government are reflected in the Bill, that is, to please all interests but at the same time they are very hesitant to help the poor people. Why I say this? Because the Government could not think of extending the scope of the Bill to all municipalities and major panchayats and also the surrounding areas of the Madras City. So many mills and industrial belts are being formed around municipal towns. Still, the Government have not chosen to extend the benefits of this Bill to all areas in the State.

9th August 1955] [Sri K. ~~Vinayakam~~ P. Gopalan]

" One important thing, I find in the Bill is that even after the Bill is passed into law, only after notification a particular town will be included so as to get the benefit of this Bill. I do not understand why a notification is necessary. As soon as the Bill becomes law then the whole State must get the benefit of the legislation. There also the Government are hesitant.

" I also want to refer to the exorbitant rents that are extracted from the people in towns.

" I need not explain here how the people are suffering for want of accommodation and even for a room. I know, Sir, even clerks getting some Rs. 80 a month as their salary, have to pay about Rs. 20 for house rent or room rent and they are all very much suffering. Thus, exorbitant rents are extracted from the people in towns.

" This Act will apply only to tenancies of land created before the commencement of this Act. But after the commencement of this Act, so many tenants have built houses on the lands owned by landlords or big monopolists in the City of Madras. Why should not the Government extend the benefit of this Act also to tenants in Madras City whose tenancies were created after the coming into force of this Act? The absence of such a provision is a drawback that I find in this Bill. I understand that the Government's intention is to extend the Act first only to Madurai and Tiruchirappalli. Why have the Government chosen only these two places? They should extend the Act to the whole State so that all tenants, whether they be in district board areas, municipal areas or panchayat areas, may get the benefit of it. I hope the Select Committee will amend the Bill so as to make the Act applicable to the whole State. After knowing the trend of discussion in this House, I hope the Government themselves will come forward to make necessary changes in the Bill. With these words, I resume my seat." 9-50 a.m.

* Sri M. NARAYANA KURUP :—" Sir, the purpose of this Bill is to extend the Madras City Tenants' Protection Act, 1921, as it exists to-day. But there are some fundamental defects in the original Act itself. That Act gives relief only to this extent, viz., that the tenants are entitled to compensation for any improvements made by them and they are given the right to purchase the owner's right and pay the price in instalments. All tenants may not be in a position to purchase the right of the landowner within the prescribed time without Government help which has not been forthcoming. In many cases there may not be any improvements at all; only the houses may be there. As is done under the Madras Buildings (Lease and Rent Control) Act, the tenants should not be driven out of the houses. They must be given security of tenure in respect of their houses provided they pay the contract rent or the fair rent fixed by the officers concerned. This fundamental aspect of fixity of tenure is not found in the original Act. I doubt

[Sri M. Narayana Kurup] [9th August 1955

whether the extension of an Act, which contains such an important lacuna will be helpful to the tenants. I request the Government to take note of this important point. If it is really their intention to help the tenants, they must first of all give them security of tenure.''

Sri E. L. RAGHAVA MUDALIAR :—'' My object in intervening in this debate at this stage is just to draw the attention of the Select Committee to two defects in the Bill. The extension of this Act to the mufassal towns has become necessary because the Madras Buildings (Lease and Rent Control) Act does not apply to vacant sites. Taking advantage of this, the landowners leased out vacant sites for building houses. In the beginning they leased out the sites at low rates of rent to tempt the people to build houses. After the houses were built they went on raising the rent gradually. Now the rent is very exorbitant. The landowners are actually extorting very high rent and it is nothing less than extortion under the Indian Penal Code. Provision must be made to fix the rent at the pre-war level if the site had been let out before 1939 and at the rate which prevailed in the beginning if it had been let out subsequent to that period.

'' When an Act is there, it should apply to the whole State. When an Act applies to a certain category of persons, it should apply to all persons in the State who come under that category. The Madras City Tenants' Protection Act, 1921, applies only to the City of Madras, and this amending Bill gives power to the Government to extend it to any municipal town in the mufassal by notification. Instead of leaving the extension to the discretion of Government, I think it is better that the Act is made applicable to the whole State. I do not think anybody suffers by making such a provision. On the other hand, if we do not make such a provision, speculation will gain ground and the tenants will stand to lose. If some more time is allowed, I am sure landowners will even create records to show very high rents.

'' The Select Committee should take note of these two points and amend the Bill suitably.''

Sri M. PALANIYANDI :—'' கனம் துணைத் தலைவர் அவர்
9-57 a.m. களே, இந்த '' ஸிட்டி டெனன்ட்ஸ் ப்ரொடெக்ஷன் '' திருத்த மசோதாவை நான் வரவேற்றுப் பேச விரும்புகிறேன்.

'' திருச்சி ஜில்லாவை எடுத்துக்கொண்டால் விவசாய மக்கள் குடியிருக்கும் மனைக்கட்டுகள், ஏழை மக்கள் குடியிருக்கும் மனைகள் எல்லாம் பெரிய பெரிய நிலச்சுவாந்தார்களின் கையில்தான் இருக்கின்றன. அவர்கள் இஷ்டப்பட்டால் தங்கள் மனைக்கட்டுகளில் குடியிருப்பவர்களை வெளியே போக வேண்டுமென்று நிர்ப்பந்திக்கலாம். ஆகவே பிறர் மனைகளில் குடியிருப்போர்களுக்கெல்லாம் பாதுகாப்பு அளிக்கும் முறையில் இந்தச் சட்டத்தைக் கொண்டுவருவது பாராட்டப்படவேண்டியதாகும். ஆனால் இந்தச் சட்டத்தை சர்க்கார் உத்திரவு போடுகிற முனிஸிபாலிட்டிகளுக்கு மாத்திரம் விஸ்தரிக்க வேண்டுமென்று போடுவதைக் காட்டிலும் எல்லா முனிஸிபாலிட்டிகளுக்கும் இந்தச் சட்டம் விஸ்தரிக்கப்படும் என்று உத்திரவு போடவேண்டுமென்பதாக நான் கருதுகிறேன். அதுமட்டுமல்ல. அந்தந்த முனிஸிபாலிட்டிகளை ஒட்டி இரண்டு மூன்று மைல் சுற்றளவுக்குள் இருக்கும் பிரதேசங்களுக்கும்

9th August 1955] [Sri M. Palaniyandi]

இந்தச் சட்டத்தை விஸ்தரிக்க வேண்டியதவசியமென்று நான் கருதுகிறேன். மேலும் மேஜர் பஞ்சாயத்துக்களுக்கும் இந்தச் சட்டம் விஸ்தரிக்கப்படவேண்டுமென்றும் நான் விரும்புகிறேன். ஒரு பகுதியில் இருக்கக்கூடிய மக்கள் நன்மை அடையத்தக்க வகையில் இந்தச் சட்டத்தைக் கொண்டு வந்தால் போதாது. எல்லாப் பிரதேசங்களிலுமுள்ள மக்கள் இதனால் நன்மை அடையத்தக்க வகையில் இந்தச் சட்டத்தை திருத்தவேண்டுமென்பதுதான் என் கருத்து. நல்லதொரு சட்டம் கொண்டுவந்தால் அதனால் ஏற்படுகிற நல்ல பலன் ராஜ்யம் பூராவும் இருக்கின்ற மக்களுக்கு நன்மை விளைவிக்கக் கூடியதாக இருக்கவேண்டும்.

"இன்றைக்கு திருச்சி நகரத்தை எடுத்துக்கொண்டால் நிலசுவாந்தார்களுக்குச் சொந்தமான இடங்களில் குடியிருக்கும் ஏழை மக்கள் மிகவும் துன்பத்தை அடைந்து வருகிறார்கள். இந்தச் சட்டத்தினால் அவர்கள் நிலத்திலிருந்து வெளியேற்றப்படுவது நிச்சயமாகத் தவிர்க்கப்படுமென்று நான் கருதுகிறேன். ஆகவே இந்தச் சட்டத்தை எல்லா முனிஸிபாலிட்டிகளுக்கும் விஸ்தரிக்கவேண்டும், ஒவ்வொரு முனிஸிபாலிட்டிகளையும் சுற்றியுள்ள இரண்டு மூன்று மைல் விஸ்தீர்ணத்திற்கும் இதனை விஸ்தரிக்க வேண்டும். மேஜர் பஞ்சாயத்துகளுக்கெல்லாம் இதனை விஸ்தரிக்க வேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன்."

SRI T. C. NARAYANAN NAMBIAR :—" Sir, while supporting the motion for reference of the Bill to a Select Committee, I 10 a.m.
want to make one or two observations on the provisions of the Bill. The original Act was enacted in the year 1922. Thirty-three years have elapsed after that. During this period so many social, economic and political changes have taken place in this country. I regret that our Government which want to bring certain reforms have not taken all these factors into consideration. I ask the Hon. Minister why a pot which has been brought to take buttermilk is hidden within the sari. In Malayalam there is a proverb which says Why do you want to hide the pot when you want to take buttermilk? That is, you can show it to anybody. In the same way we want to give protection to the tenants in the cities and towns. Why are the tenants who have been suffering a lot since 1922 not accorded security of tenure? The tenants who enjoyed the right of tenancy before the year 1922 alone are entitled to get the protection as per the Act of 1922. The same Act is now being extended. Why can't the Government see that the tenants who have come into existence after 1922 also be given the right without putting a condition that when the Government notify the municipalities and towns, there also the provisions of this Act will be extended. Why should such a stingy provision be made? Why are the Government so miserly? Why can't they say that the provisions of the Act will be extended to all the municipalities? I hope the Hon. Minister will agree to the reference of this Bill to a Select Committee where considerable changes can be made."

* SRI S. RAMALINGAM :—" கனம் உதவி சபாநாயகர் அவர்களே, சபைக்கு முன்பாக இருக்கக்கூடிய மசோதாவை அனேகமாக சபை 10 a.m.
யில் இருக்கக்கூடிய எல்லா அங்கத்தினர்களும் வரவேற்றனர். இதனை பொறுக்குக் கமிட்டிக்கு விடவேண்டுமென்ற திருத்தத்தை நானும் ஆதரிக்கிறேன். சென்னை நகரசபைக்குச் செல்லும்படியாக ஏற்கெனவே இருக்கக்கூடிய ஒரு சட்டத்தை சர்க்கார் விரும்பினால் எல்லா நகரங்களுக்கும் அதனை விஸ்தரிக்கலாமென்பதே இந்த மசோதா. இதனை பொறுக்குக் கமிட்டிக்கு விடவேண்டுமென்று நாங்கள் ஏன் வற்புறுத்துகிறோம் என்றால்

அந்தச் சட்டம் 1901-ம் ஆண்டு ஏற்படுத்தப்பட்டது. சென்னையைச் சுற்றி மற்றொருவருக்குச் சொந்தமாக இருக்கக்கூடிய வீடுகளில் வசித்துக்கொண்டிருக்கக்கூடிய குடியானவர்களுக்கும் இந்தச் சட்டத்தின் பலன் கிடைக்க வேண்டுமென்று பெரும்பாலான குடியானவர்கள் விரும்புகிறார்கள். அதைத்தான் ஸ்ரீ விநாயகம் வற்புறுத்தினார். நாங்களும் வற்புறுத்துகிறோம். தனக்குச் சொந்தமில்லாத நிலங்களில் குடியிருக்கும் பிரச்னை சென்னை நகரத்தில் மட்டுமல்ல. எல்லா முனிஸிபாலிட்டிகளிலும் இருக்கிறது, எல்லா குக்கிராமங்களிலும் கூட இருக்கிறது. ஒருவகையில் இந்தப் பிரச்னை எல்லாக் குக்கிராமங்களிலும் மிகக் கடுமையாக இருக்கிறது என்று சொல்லலாம். நிலச்சீர்திருத்தச் சட்டம் வரப்போகிறது என்று சொல்லும் இந்தச் சமயத்தில் விவசாயிகளை பயமுறுத்த நிலச்சுவாந்தார்களுக்கு இரண்டு விதமான ஆயுதம் கையில் இருக்கிறது. அதாவது விவசாயிகள் குடியிருக்கும் மனைக்கட்டுகள் எல்லாம் பெரும்பாலும் நிலச்சுவாந்தார்களுக்கே சொந்தமானது. விவசாயிகள் பயிரிடும் நிலங்களும் நிலச்சுவான்தார்களுக்கே சொந்தமானது ஆகையினால் விவசாயிகள் ஏதாவது அதிக வாரம், கூலி கேட்டால் உடனேயே எங்கள் நிலத்தை விட்டுப் போங்கள் என்று நோட்டீஸ் கொடுத்துவிடுவார்கள். அம்மாதிரியான நில வேளியேற்றத்தை நாம் சட்ட மூலமாகத் தடுத்தாலும் உடனே எங்கள் மனைக்கட்டுகளை விட்டு வெளியே போங்கள் என்று விவசாயிகளை துன்பப்படுத்துவார்கள். ஒரு கிராமத்தில் குடியிருப்பதற்கு நிலம் இல்லையென்றால் அந்த விவசாயி எப்படி அந்த கிராமத்தில் தங்கிக்கொண்டு நிலத்தைப் பயிரிட முடியும். ஊரைவிட்டு குடியிருக்க இடமில்லாமல் ஓடினான் என்றால், அவன் சாகுபடி செய்துகொண்டிருக்கும் நிலத்தையும் விட்டுவிட்டே ஓடும்படி நேரிடும். ஆகவேதான் நகரங்களில் இருக்கும் குடியானவர்களுக்கு எப்படி குடியிருப்பதற்குப் பாதுகாப்பு அளிக்கவேண்டுமென்று விரும்புகிறோமோ அதைப் போலவே கிராமங்களில் இருக்கக்கூடிய குடியானவர்களுக்கும் நாம் பாதுகாப்பு அளிக்கவேண்டும். இந்தச் சட்டத்தில் அவ்வாறு செய்யமுடியுமா என்பதைப் பரிசீலனை செய்வதற்காகத்தான் இதனை பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டுமென்று சொல்லுகிறோம். இந்தச் சட்டத்தில் அது முடியாவிட்டால் வேறு சட்டமே தேவையாக இருந்தாலும் அதனை சர்க்கார் உடனடியாகக் கொண்டுவருவதற்குத் தக்க ஏற்பாட்டைச் செய்யவேண்டுமென்றும் இந்தச் சந்தர்ப்பத்தில் சொல்லிக்கொள்ள விரும்புகிறேன்."

10.05 a.m. * THE HON. SRI M. A. MANICKAVELU :—" Sir, the proposal is to extend the provisions of the Madras City Tenants' Protection Act to other areas to which it is deemed necessary to extend them. This Act was passed to protect the tenants in the City of Madras in the year 1922. The City of Madras was quite a busy commercial centre even before the year 1922. So, it was thought necessary to pass it in the year 1922 because the problem became acute. The town grew into importance and there was greater pressure for living in the city. That was why it was thought fit and the Act was passed in the year 1922. Now, Sir, a period of 33 years has elapsed and it is now proposed to extend it to other areas. That clearly shows that the conditions that obtained in the City of Madras in the year 1922, take place only now in other places. That means that cities have grown in importance both in respect of commerce and in other respects.

" Now, the request that it should be extended to all municipalities and all panchayat areas is not reasonable, because the pressure for living purposes is not so great in all places. So, there is no meaning in extending it to all areas. Wherever it is necessary, it will be done and there is ample scope under the provisions

9th August 1955] [Sri M. A. Manickavelu]

of the Bill for extending it to such areas. That is why it has been provided that by notification it should be extended. Now, when the Select Committee deliberates on this Bill, it is quite open to it to suggest other areas also to which this should be extended. There is no hard and fast rule that it should be extended only to one or two cities. Wherever it is necessary, it will be extended. But it should not be as though it should be extended to all areas, even to panchayat areas where it is not at all necessary. It will be only creating difficulties in places where things are going on normally and smoothly. Since this Bill is going to be referred to a Select Committee, all the suggestions that have been made will be taken into consideration then and we shall make the Bill as acceptable as possible. With these words, Sir, I request that the Motion may be accepted. I shall give the names of the Members of the Select Committee a few minutes later. In the mean time let us take up the next Bill."

SRI K. RAJARAM :—" I have requested the other Party leaders to give a list of the names of Members who may serve on the Select Committee. Within ten minutes' time the list may be ready."

DEPUTY SPEAKER :—" In the mean time the other Bill may be taken up."

(2) THE MADRAS GENERAL SALES TAX (SECOND AMENDMENT) BILL, 1955.

* THE HON. SRI M. A. MANICKAVELU :—" Sir, I beg to introduce the Madras General Sales Tax (Second Amendment) Bill [a], 1955, and move—

' *That the Bill be taken into consideration at once.*'

" This Act was passed in the last session. Some difficulty was felt in the working of the Act. That is why I am making this motion. In the matter of levying the tax on certain categories of cigars and cheroots, one-point tax was proposed to be levied either at the first sale or at the first purchase point. I shall explain how the difficulty arises. Suppose the tax is levied at the first purchase, that is, on raw tobacco, whether cured or uncured. Now, there will be no tax on the raw tobacco at the first purchase. In order to escape from the tax, the purchaser will buy the tobacco, paying no tax. Then he will distribute that tobacco among a number of people who will manufacture it into beedies and also see that the turnover is within the limit of Rs. 10,000. Thus, the purchaser disperses the whole transaction and escapes the tax. So, 10-10 a.m. in order to prevent evasion we move these amendments. Sir, we want that the words ' whc is not exempt from taxation under section 3, sub-section (3) ' should be added. If this is done, we can avoid evasion of the tax. This is the gist of the amendment which we want to make. An Ordinance has already been passed in this matter. We are only converting it into an Act. That is all. There is nothing more."

---

[a] Published in the *Fort St. George Gazette*, dated 27th July 1955.